#400

BILL NO. Z-89-08-07

ZONING MAP ORDINANCE NO. Z-08-90

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

West 30' of Lot #51 and East 8' of Lot #52 in Bond's Third Addition to the City of Fort Wayne, according to the recorded plat thereof.

and the symbols of the City of Fort Wayne Zoning Map No. L-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room ~~128, City-County Building~~, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 8-8-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY				✓
LONG				✓
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 8-14-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-08-90 on the 14th day of August, 1990,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

~~SEAL~~
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of August, 1990, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of August, 1990, at the hour of 9:45 o'clock A.M.,E.S.T.

PAUL HELMKE, MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Max L. Poorman and Mabel I. Poorman
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R3 District to a/an B3B District the property described as follows:

West 30' of Lot #51 & East 8' of Lot #52 in Bond's Third Addition to the City of Fort Wayne, according to the recorded plat thereof.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

620 Hendricks Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Max L. Poorman	1202 Park Avenue New Haven, Indiana 46774	x Max L Poorman
Mabel I. Poorman	1202 Park Avenue New Haven, Indiana 46774	x Mabel I. Poorman

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
A. W. Fruechtenicht	321 Metro Building Fort Wayne, IN 46802	(219) 422-8414

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-08-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 18, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held January 8, 1990.

Certified and signed this
1st day of August 1990.

Robert Hutner
Secretary

PRESCRIBED BY STATE BOARD OF ACCOUNTS

E.E. BOWER CO., MUNCIE, IND. GENERAL FORM NO. 552

CK # 7219

RECEIPT

№ 7235

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., July 7 19 89

RECEIVED FROM Boorman's Heating & Air Conditioning $ 100 00

THE SUM OF One Hundred and no/100's DOLLARS

ON ACCOUNT OF Rezoning - 620 Hendricks St

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

AUTHORIZED SIGNATURE

#4000

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 620 Hendricks Street

2-89-08-07

EFFECT OF PASSAGE Property is presently zoned R-3 - Multiple Family Residential. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multiple Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-89-08-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-3 to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

620 Hendricks Street

Reason for Project

Future expansion of "Poorman's Heating and Air Conditioning Service".

Discussion (Including relationship to other Council actions)

21 August 1989 - Public Hearing

Petitioner requested and received a deferral of this hearing until the December 18, 1989 public hearing.

Minutes of both meetings are attached.

8 January 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following condition.

1) Petitioner provide a six (6) foot high landscape buffer between the B-3-B and R-3 districts to be built at the time of site development for non R-3 uses.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Max & Mabel Poorman City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

NOTE: This petition has been held pending the petitioner satisfying the landscape requirement placed upon the petition by the Commission.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date July 7, 1989

Projected Completion or Occupancy Date 2 August 1990

Fact Sheet Prepared by Date 2 August 1990

Patricia Biancaniello

Reviewed by Date 8/2/90

Michael A. Capp

Reference or Case Number

a. Bill No. Z-89-08-07 - Change of Zone #400
From R-3 to B-3-B
620 Hendricks Street

A.W. Fruechtenicht, attorney for the petitioners appeared before the Commission. Mr. Fruechtenicht stated that they were requesting a deferral of consideration of the petition until the December public hearing on December 18, 1989. He stated that they were making the request because of the information they had received that there are two studies involving uses of the land they are requesting to be rezoned. He stated it was their understanding that the City of Fort Wayne was making a study thereof and that another study was being prepared on behalf of the City, the Chamber of Commerce and Lincoln National Corp. The information was that such studies will be completed in November and that such studies will be pertinent to the proposed uses of this area.

Motion was made by Yvonne Stam, seconded by Steve Smith to defer the case to the December 18, 1989 Plan Commission hearing.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

December 18, 1989 - Public Hearing

Bill No. Z-89-08-07 - Change of Zone #400
From R-3 to B-3-B
620 Hendricks St
This request was deferred from the August 21, 1989 Public Hearing at the request of the petitioner.

A W Fruechtenicht, attorney for the petitioners Max and Mabel Poorman appeared before the Commission. Mr. Fruechtenicht stated that the Poormans own and operate Poorman's Heating and Air-conditioning Services at the corner of Hendricks and Martin Street at the present. He stated that this petition is requesting the zoning of 38 feet of a vacant lot to the east of the existing business. He stated that this request was originally scheduled for the August public hearing but was deferred because the Commission staff indicated that there was a study being done concerning the overall southwest and this area was part of the study. He stated that it was anticipated that the study would be complete by the end of November. He stated that the Mr. & Mrs. Poorman's business needs to expand. He stated that the Poorman's business requires a B3B zoning classification. They currently have that zoning on the property where they are located but in order to expand they need to rezone the portion requested in the petition. Mr. Fruechtenicht stated that Mr. Poorman's business is kept in excellent condition and that his business is an asset to the area. He stated that the rezoning would enable Mr. Poorman to expand as needed and would continue to enhance the area. Mr. Fruechtenicht stated that although the study for which they deferred is not yet completed the Commission staff has requested and received a letter from Ronald R. Fletcher, Executive Director of Fort Wayne Redevelopment Commission stating that their office was in the process of developing a SW Downtown Development Plan which should be completed by January 15, 1989. Mr. Fletcher further stated that in his opinion the petitioners development would not adversely affect the development planning for the area. Mr. Fruechtenicht stated that they were not aware of any objections to the request or Mr. Poorman's plan for expansion.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-89-08-07

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. L-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Janet G. Bradbury			
C R Edmonds			
Samuel K. Talarico			
David C. Long			

DATED: 8-14-90.

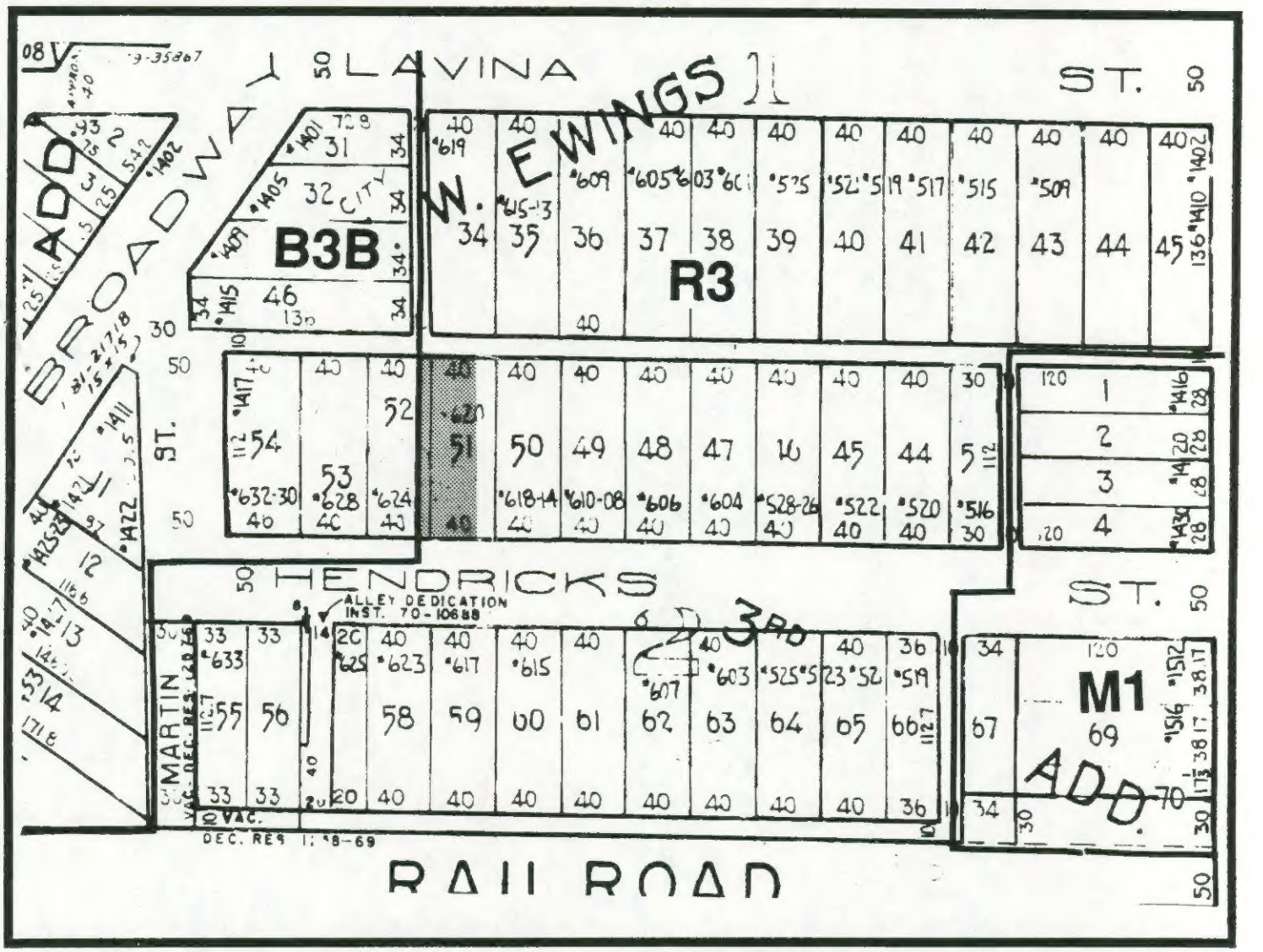
Sandra E. Kennedy
City Clerk

REZONING PETITION #400

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **L-2**

COUNCILMANIC DISTRICT NO. **1**



ZONING:

R3 RESIDENTIAL DISTRICT

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

B3B GENERAL BUSINESS "B"

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

☐ *DUPLEX*

SCALE: 1"=100'

DATE: 7-25-89

N